

### **REMARKS/ARGUMENTS**

Claims 1-29 are pending in this application and stand substantively rejected.

Claims 1, 2, 11, 13, 28, and 29 are presently amended. Reconsideration of the claims is respectfully requested.

#### **Claim Amendments**

Support for the amendments to claims 1 and 2 can be found in the specification at, for example, paragraphs [0003]-[0005]. Support for the amendment to claim 28 can be found in the specification at, for example, paragraph [0034]. Support for the amendment to claim 29 can be found in the specification at, for example, paragraph [0021]. Claims 11 and 13 are amended to address formalities. No new matter is introduced.

#### **Objection to Specification**

The continuity data was objected to. Paragraph [0001] is amended to update the priority data. Withdrawal of this objection is respectfully requested.

#### **Objection to Claims**

Claim 2 was objected to. Claim 2 is amended to correct a typographical error. Withdrawal of this objection is respectfully requested.

#### **First Rejection Under 35 U.S.C. §112**

Claims 1 and 2 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. This rejection is traversed.

The Office Action alleges that it is not clear what the dried hemostatic material of claims 1 and 2 is supposed to do. Claims 1 and 2 are amended to include a function or use of the material. Withdrawal of this rejection is respectfully requested.

#### **Second Rejection Under 35 U.S.C. §112**

Claim 11 was rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. This rejection is traversed.

The Markush format of claim 11 is amended. Withdrawal of this rejection is respectfully requested.

**Third Rejection Under 35 U.S.C. §112**

Claim 13 was rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. This rejection is traversed.

The preamble of claim 13 is amended. Withdrawal of this rejection is respectfully requested.

**Fourth Rejection Under 35 U.S.C. §112**

Claim 27 was rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. This rejection is traversed.

According to MPEP 2171, definiteness under 35 U.S.C. §112 second paragraph is in the context of whether the scope of the claim is clear to the artisan possessing ordinary skill. Claim 27 is drawn to a method for inhibiting bleeding. The method includes applying a dried hemoactive material to a wound site. Applicants submit that the artisan would understand what is meant by the phrase “applying the material” and that the term is complete. The claim meets the test for definiteness..

Application of the material is clearly described in the specification. Paragraph [0043] indicates that compositions are suited for application on or to an abraded or damaged tissue surface. For example, a sheet or other form of the dried material can be applied to any organ surface including the liver, spleen, heart, and so on. Paragraphs [0044] and [0045] refer to Figs. 1, 2, and 3 and describe placement of sheets, pellets, or plugs of hemoactive material at a wound or surgical site. Paragraphs [0050], [0051], [0052], [0054], [0055] refer to Examples 3, 4, 5, 7, and 8 and describe applying hemoactive material to or into a lesion.

It is respectfully submitted that the artisan would understand that the material is applied to a wound site, and that application can be carried out in any of a variety of suitable ways. Although application can include topical or parenteral administration, as suggested by the Office Action, application is not limited to any particular type of administration. Withdrawal of this rejection is respectfully requested.

**Fifth Rejection Under 35 U.S.C. §112**

Claim 28 was rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. This rejection is traversed.

As noted above, definiteness under 35 U.S.C. §112 second paragraph is in the context of whether the scope of the claim is clear to the artisan possessing ordinary skill. Amended claim 28 is drawn to a method for delivering an active agent to a patient. The method includes applying a dried hemoactive material that includes an active agent to a target region of the patient. The artisan would understand that the active agent is delivered to the patient via the hemoactive material. Withdrawal of this rejection is respectfully requested.

**Sixth Rejection Under 35 U.S.C. §112**

Claim 29 was rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. This rejection is traversed.

Amended claim 29 provides antecedent basis for cross-linked biologically compatible polymer. Withdrawal of this rejection is respectfully requested.

**Nonstatutory Double Patenting Rejection**

Claims 1-29 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-27 of U.S. Patent No. 6,706,690. A terminal disclaimer in compliance with 37 CFR §1.321(c) is filed herewith. The instant application is commonly owned with U.S. Patent No. 6,706,690.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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Attachment:

***Terminal Disclaimer***

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